

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ADHAM AMIN HASSOUN,

Petitioner,

v.

JEFFREY SEARLS, in his official
capacity as Acting Assistant Field Office
Director and Administrator of the Buffalo
Federal Detention Facility,

Respondent.

ORDER

1:19-CV-00370 EAW

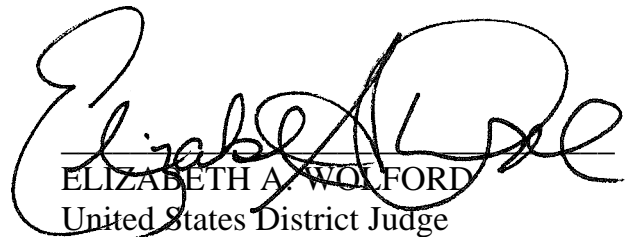
Pursuant to a prior Order of the Court (Dkt. 258), the parties submitted supplemental briefing regarding Petitioner's pending motion for sanctions (Dkt. 164) on July 20, 2020 (Dkt. 273; Dkt. 274), and July 28, 2020 (Dkt. 278; Dkt. 280). In his supplemental briefing, Petitioner raised issues related to document productions made by Respondent on June 22, 2020, and July 17, 2020. (Dkt. 274 at 7-8, 11-15). In reply, Respondent has taken the position that these issues are outside the scope of the sanctions motion currently before the Court and that Petitioner is required to seek leave of the Court to "file a supplemental brief to his motion for sanctions to add these new allegations." (Dkt. 280 at 13). The Court disagrees.

One of Petitioner's central claims in his motion for sanctions is that Respondent failed to produce exculpatory evidence. (*See* Dkt. 190 at 23-26). Petitioner further asked the Court to order Respondent to immediately turn over documents calling into question the credibility of the witnesses against him. (*Id.* at 27-28). At oral argument held on June

12, 2020, Respondent's counsel affirmatively represented to the Court that the documents sought by Petitioner had been produced. (Dkt. 218 at 13-15). The Court further ordered from the bench that the documents requested by Petitioner be produced. (Dkt. 218). Issues related to the production of such documents are thus within the scope of the pending motion for sanctions. Further, the Court in any event has the authority to *sua sponte* inquire into whether a party has made a false representation before it.

The Court hereby orders Respondent to provide a specific, detailed explanation concerning the circumstances surrounding these June 22 and July 17 document productions, including but not limited to why the documents had not previously been discovered and produced, when and how it was discovered that additional responsive documents existed that had not been produced, and why it was represented to the Court on June 12, 2020, that all responsive documents to the identified categories had been produced when, in fact, that was not true. Respondent shall file a supplemental submission setting forth this information by no later than August 25, 2020. Respondent shall further produce to the Court copies of the documents produced to Petitioner on June 22, 2020, and July 17, 2020, by no later than August 25, 2020.

SO ORDERED.



ELIZABETH A. WOLFORD
United States District Judge

Dated: August 11, 2020
Rochester, New York